



The Commonwealth of Massachusetts

DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

NOTICE OF PROCEDURAL CONFERENCE

D.T.E. 05-36

May 11, 2005

Adjudicatory Proceeding in the matter of a Notice of Probable Violation issued by the Pipeline Safety and Engineering Division of the Department of Telecommunications and Energy to NSTAR Gas Company concerning compliance with pipeline safety requirements associated with an incident involving the release of natural gas at 65 Main Street, Hopkinton, Massachusetts on July 24, 2002.

Pursuant to 220 C.M.R. § 69.05(3), NSTAR Gas Company ("NSTAR Gas") has requested that the Department of Telecommunications and Energy ("Department") hold an adjudicatory hearing in the matter of a Notice of Probable Violation ("NOPV") that was issued by the Department's Pipeline Safety and Engineering Division ("Division") to NSTAR Gas pertaining to an incident involving the release of natural gas at 65 Main Street, Hopkinton, Massachusetts on July 24, 2002.

The NOPV alleges non-compliance by NSTAR Gas with the following requirements of the federal pipeline safety regulations: (1) 49 C.F.R. § § 192.619(a)(2)(i) and 192.603 (operate a service line only after testing to establish a maximum allowable operating pressure); (2) 49 C.F.R. § 192.481 (monitor service lines exposed to the atmosphere); (3) 49 C.F.R. § 192.723 (conduct interior building leakage surveys within a business district); and (4) 49 C.F.R. § 192.605(a) (follow operations and maintenance manual of NSTAR Gas).

Accordingly, the Department has opened docket D.T.E. 05-36 in order to conduct an adjudicatory proceeding in the matter of the NOPV issued by the Division to NSTAR Gas. The scope of this proceeding is limited to allegations of non-compliance with the federal pipeline safety regulations as stated in the NOPV.

The Department will hold a procedural conference on **Friday, June 10, 2005** at 2:00 p.m. at its offices, One South Station, 2nd Floor, Boston, Massachusetts. Any person interested in commenting on this matter may submit written comments to the Department not later than the close of business (5:00 p.m.) on **Tuesday, June 7, 2005**.

Any person interested in participating in this proceeding must file a written petition for leave to intervene in this proceeding no later than the close of business (5:00 p.m.) on

Tuesday, June 7, 2005. A petition to intervene must satisfy the timing and substantive requirements of 220 C.M.R. § 1.03. Receipt by the Department – not mailing – constitutes filing and determines whether a petition is timely filed. A late-filed petition may be disallowed as untimely, unless good cause is shown for a waiver under 220 C.M.R. 1.01(4). To be allowed, a petition under 220 C.M.R. § 1.03(1) must satisfy the standing requirements of G.L. c. 30A, § 10.

All written comments or petitions to intervene must be filed with the Department of Telecommunications and Energy, One South Station, Boston, Massachusetts 02110, as follows: (a) an original with Mary L. Cottrell, Secretary; (b) two (2) copies with Shaela McNulty Collins, Hearing Officer; and (c) two (2) copies with Denise Desautels, counsel for the Division. In addition, one copy of all written comments or petitions to intervene must be sent to counsel for NSTAR Gas, Robert J. Keegan, Keegan Werlin, LLP, 265 Franklin Street, Boston, MA 02110-3113.

All written documents should also be submitted to the Department in electronic format using one of the following methods: (1) by e-mail attachment to dte.efiling@state.ma.us and to Shaela.Collins@state.ma.us; or (2) on a 3.5" disk, IBM-compatible format. The text of the e-mail or the disk label must specify: (1) the docket number of the proceeding (D.T.E. 05-36), (2) name of the person or company submitting the filing, and (3) a brief descriptive title of the document (e.g., Initial Comments or Petition to Intervene). The electronic filing should also include the name, title and phone number of a person to contact in the event of questions about the filing. Text responses should be created in either Corel WordPerfect, Microsoft Word, or as an Adobe-compatible PDF file. Data or spreadsheet responses should be compatible with Microsoft Excel. Documents submitted in electronic format will be posted on the Department's Website, <http://www.mass.gov/dte>.

Any person desiring further information regarding this notice should contact Shaela McNulty Collins, Hearing Officer, Department of Telecommunications and Energy, at (617) 305-3500.